

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 08-40756

ERIC R. KIPP,
and
RONITA J. KIPP,

Chapter 13

Judge Thomas J. Tucker

Debtors.

ORDER DENYING DISCHARGE UNDER 11 U.S.C § 1328(f)(1)

On November 9, 2009, the Court entered an “Order to Show Cause Why Debtor is Entitled to a Discharge,” requiring Debtors and their attorney to “appear . . . and show cause why the Debtor(s) is entitled to discharge” in this case, “in view of 11 U.S.C. § 1328(f).” The Court held a hearing on November 19, 2009. Debtors’ attorney appeared at the hearing, as did the Chapter 13 Trustee’s attorney. At the hearing, the Court determined that the Debtors are not entitled to a discharge in view of 11 U.S.C. § 1328(f)(1), because Debtors each received a discharge in a Chapter 7 case filed within 4 years before the date of the order for relief in this case.¹ Accordingly,

IT IS ORDERED that discharge is DENIED under 11 U.S.C. § 1328(f)(1) as to both Debtors.

IT IS FURTHER ORDERED that, consistent with 11 U.S.C. §§ 362 (a) and 362(c)(1), the automatic stay under § 362(a) continues with respect to any act against property of the estate, until such property is no longer property of the estate; or until such stay terminates under some other provision of the Bankruptcy Code; or until the Court orders otherwise.

IT IS FURTHER ORDERED that, consistent with 11 U.S.C. §§ 362 (a) and 362(c)(2)(C), the automatic stay under § 362(a) of any act other than an act against property of the estate is terminated.

Signed on November 19, 2009

¹ Debtors each received a Chapter 7 discharge in Case No. 05-50770 on September 13, 2005. The voluntary petition in that Chapter 7 case was filed on April 6, 2005. The voluntary petition in the present case was filed within 4 years of that date, on January 14, 2008. (The date of the order for relief in the present case also was January 14, 2008. *See* 11 U.S.C. § 301(b).)

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge